

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF  
STATE OF OREGON**

**COUNTY OF UMATILLA**

In the Matter of a Proposed Change            )     ORDER  
In Place of Use of Water Within an         )     APPROVING A TEMPORARY  
Irrigation District — TRANSFER 8929        )     DISTRICT TRANSFER

**FINDINGS OF FACT**

1. Pursuant to ORS 540.570, WESTLAND IRRIGATION DISTRICT, PO Box 944, Hermiston, OR, 97838, petitioned the Oregon Water Resources Department to temporarily change the place of use of water within the boundaries of the irrigation district. The petition was originally received on November 29, 2001, and included the required fees.
2. The Department assigned the petition transfer application number T-8929.
3. The Department published notice of receipt of the petition in the Department's Weekly Notice dated December 11, 2001. The petition was noticed as a temporary transfer within irrigation district boundaries.
4. No comments or timely protests were received in response to the published notice.
5. The following rights are proposed to be modified:
  - a) PRIMARY IRRIGATION  
**Certificate 76051:** issued in the name of Teel Irrigation District  
**Use:** Irrigation (Primary)  
**Priority Date:** June 27, 1958  
**Rate & Duty:** 1/40 cfs and 4.5 AF per acre irrigated  
**Source:** Umatilla River  
**Point of Diversion:** SW ¼ NE ¼, Section 21, T 3 N, R 29 E, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the West ¼ Corner of Section 21.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**  
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

b) SUPPLEMENTAL IRRIGATION

**Certificate 61534:** issued in the name of Travelers Insurance Company

**Use:** Irrigation (Supplemental)

**Priority Date:** March 30, 1976

**Rate & Duty:** 1/80 cfs and 3.0 AF per acre irrigated

**Source:** Brown Wells #1, 2, 3, & 4

**Points of Appropriation:**

Brown Well #1 - SW ¼ SE ¼, Section 20, T 3 N, R 29 E, W.M.; 80 feet North and 2500 feet West from the SE Corner of Section 20.

Brown Well # 2 - SE ¼ SE ¼, Section 30, T 3 N, R 29 E, W.M.; 610 feet North and 50 feet West from the SE Corner of Section 30.

Brown Well # 3 - SE ¼ NE ¼, Section 30, T 3 N, R 29 E, W.M.; 1400 feet South and 1310 feet West from the NE Corner of Section 30.

Brown Well # 4 - SE ¼ NW ¼, Section 19, T 3 N, R 29 E, W.M.; 140 feet North and 490 feet West from the Center of Section 19.

**Certificate 75128:** issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amsted Irrevocable Trust

**Use:** Irrigation (Supplemental)

**Priority Date:** September 26, 1974

**Rate & Duty:** 1/80 cfs and 3.0 AF per acre irrigated

**Source:** Well

**Point of Appropriation:** SE ¼ SE ¼, Section 30, T 3 N, R 29 E, W.M.; 610 feet North and 50 feet West from the SE Corner of Section 30.

**Certificate 79439:** issued in the name of U.S. Bureau of Reclamation

**Use:** Irrigation (Supplemental)

**Priority Date:** July 1, 1924

**Rate & Duty:** 1/80 cfs

**Source:** McKay Reservoir

**Point of Diversion:** McKay Dam - NW ¼ SE ¼, Section 34, T 2 N, R 32 E, W.M.

6. Westland Irrigation District petitioned to temporarily change the place of use from the locations identified in Table 1 to the locations listed in Table 2.

TABLE 1 - FROM LANDS									
					Water Right Certificates				
					Primary	Supplemental			
TWP	RNG	SEC	¼ ¼	TL	76051	75126	61534	75128	79439
3N	29E	20	NW NE	6106	5.00	5.00	5.00		
3N	29E	20	SW NE	6106	10.00	10.00	10.00		

TWP   RNG   SEC   ¼¼   TL					Water Right Certificates				
					Primary	Supplemental			
					76051	75126	61534	75128	79439
3N	29E	20	SE NE	6106	4.00	4.00	4.00		4.00
3N	29E	20	SE SW	6103	11.10		11.10		
3N	29E	20	NE SE	6106	0.10		0.10		0.10
3N	29E	20	NW SE	6106	0.50		0.50		
3N	29E	20	SE SE	6106	4.50		4.50		4.50
3N	29E	21	SW NW	6106	0.30	0.30	0.30		0.30
3N	29E	21	NW SW	6106	1.20		1.20		1.20
3N	29E	21	SW SW	6106	23.80		23.80		23.80
3N	29E	21	SE SW	6106	3.80		3.80		3.80
3N	29E	28	NE NW	6106	2.00		2.00		2.00
3N	29E	28	NW NW	6106	22.10		22.10		22.10
3N	29E	29	NE NE	6106	2.40		2.40		2.40
3N	29E	29	NE NW	6104	8.00		8.00		
3N	29E	29	SW NW	6104	0.60		0.60		0.60
3N	29E	29	SW SW	6104	9.60			9.60	
3N	29E	30	SE SE	6104	9.60			9.60	
TOTALS					118.60	19.30	99.40	19.20	64.80

The right to use water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations described by permit or certificate. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 2 - TO LANDS									
TWP   RNG   SEC   ¼¼   TL					Water Right Certificates				
					Primary	Supplemental			
					76051	75126	61534	75128	79439
3N	28E	24	NE NW	7200	29.90		29.90		29.90
3N	28E	24	NW NW	7200	30.60		30.60		30.60
3N	29E	20	SE SE	6106	4.50		4.50		
3N	29E	21	SW SW	61063	9.20		9.20		
3N	29E	21	SW SW	6106	5.00	5.00	5.00		
3N	29E	21	SW SW	6106	0.80			0.80	
3N	29E	21	SW SW	6106	8.50	8.50	8.50		2.10
3N	29E	21	SE SW	6106	0.20	0.20	0.20		0.20
3N	29E	21	SE SW	6106	3.60	3.60	3.60		
3N	29E	28	NE NW	6106	1.20	1.20	1.20		1.20
3N	29E	28	NE NW	6106	0.80			0.80	

					Water Right Certificates				
					Primary	Supplemental			
TWP	RNG	SEC	¼¼	TL	76051	75126	61534	75128	79439
3N	29E	28	NW NW	6106	17.60			17.60	
3N	29E	28	NW NW	6106	0.80	0.80	0.80		0.80
3N	29E	28	NW NW	6106	3.50		3.50		
3N	29E	29	NE NE	6106	2.40		2.40		
TOTALS					118.60	19.30	99.40	19.20	64.80

7. Pursuant to ORS 540.574 and ORS 540.570, in reviewing the petition submitted by Westland Irrigation District, the Department has determined the following:

- a) The petition contains the information required under ORS 540.574(3).
- b) The petition meets the requirements of ORS 540.570.
- c) The petition contains maps which are satisfactory to the Department and which the District certified as being accurate.
- d) The petition includes the required statement from the District that it has on file, and available for review, written authorization from each landowner affected by the transfer.
- e) The rate, duty, and total number of acres proposed for transfer do not exceed that of the water right subject to transfer.
- f) The use authorized by the water right subject to transfer will not change; and
- g) The proposed change in place of use will not result in injury to other water rights.

#### CONCLUSIONS OF LAW


1. The petition submitted by Westland Irrigation District proposing temporary changes in place of use within district boundaries includes the information, and satisfies the criteria, required by ORS 540.574(3).
2. The proposed transfer complies with the requirements of ORS 540.570.
3. The Director should approve the transfer because the petition satisfies the criteria and requirements of ORS 540.574(3) and ORS 540.570 resulting in no injury to other water rights.

ORDER

It is hereby ORDERED :

1. The proposed temporary changes to the water rights evidenced by Water Right Certificates 76051, 75126, 61534, 75128, and 79439 may be made for the 2003 irrigation season provided the following conditions are met by the water user:
  - a) The FROM lands shall receive no water under the rights involved with this transfer for the 2003 irrigation season.
  - b) The use of water under the rights involved with this transfer on both the TO and FROM lands during the 2003 irrigation season or calendar year is prohibited and may subject both the district and landowner to civil penalties.
  - c) All restrictions and limitations contained in the subject rights shall apply to the TO lands.
  - d) Pursuant to 540.570 (5), the Department may further condition or revoke this temporary transfer, to the extent necessary to avoid injury, at any time the department finds the transfer is causing injury to an existing water right.
  - f) The Department requires the water user to install and maintain an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water discharged into Westland Canal from ground water appropriated under Permit G-7078 (Certificate 61534) when water under Permit G-7078 is diverted to the canal for use in section 24 (Correa). Additionally, a flow-meter must be installed at the Correa diversion from the Westland Canal. The type and plans of the measuring device must be approved by the Department **prior** to beginning construction and shall be installed under the general supervision of the Department.
2. Pursuant to 540.570 (6), upon expiration of the 2003 irrigation season, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

WITNESS the signature of the Water Resources Director affixed DEC 24 2002

  
for Paul R. Cleary